

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

ANTONIO A. GUTIERREZ,

2:13-cv-01863-AC

Petitioner,

ORDER

v.

BOARD OF PAROLE AND
POST-PRISON SUPERVISION,

Respondent.

BROWN, Judge.

Magistrate Judge John V. Acosta issued Findings and Recommendation (#39) on May 14, 2015, in which he recommends the Court deny Petitioner's Amended Petition (#29) for Habeas Corpus, decline to issue a certificate of appealability pursuant to 28 U.S.C. § 2253(c)(2), and issue a judgment of dismissal.

Petitioner filed timely Objections to the Findings and Recommendation. The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).

When any party objects to any portion of the Magistrate

Judge's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1). See also *Dawson v. Marshall*, 561 F.3d 930, 932 (9th Cir. 2009); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (*en banc*).

This Court has carefully considered the Petitioner's Objections and concludes they do not provide a basis to modify the Findings and Recommendation. The Court also has reviewed the pertinent portions of the record *de novo* and does not find any error in the Magistrate Judge's Findings and Recommendation.

CONCLUSION

The Court **ADOPTS** Magistrate Judge Acosta's Findings and Recommendation (#39) and, therefore, **DENIES** Petitioner's Amended Petition (#29) for Habeas Corpus. The Court also **DECLINES** to issue a certificate of appealability under 28 U.S.C. § 2253(c)(2).

IT IS SO ORDERED.

DATED this 7th day of July, 2015.


ANNA J. BROWN
United States District Judge